

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

NICOLE P. ERAMO

Plaintiff,

v.

**ROLLING STONE LLC,
SABRINA RUBIN ERDELY, and
WENNER MEDIA LLC,**

Defendants.

Case No. 3:15-cv-00023-GEC

**UNOPPOSED MOTION FOR ENTRY OF CONSENT ORDER REGARDING
TREATMENT OF PROTECTED NON-PARTY EDUCATION RECORDS SOUGHT
FROM UNIVERSITY OF VIRGINIA**

Defendants, by counsel, and the Rector and Visitors of the University of Virginia (“UVA”), a non-party who appears for the limited purpose of addressing issues related to a subpoena previously served, by counsel, jointly move this Court for the entry of a Consent Order to establish a protocol governing the production of “education records” as defined by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232(g). Under this protocol, UVA will provide notice to those non-party students whose education records may be produced in this action and those students will have an opportunity to lodge with the Court objections to the production of those education records. If no objection is made, or the Court finds that production is warranted notwithstanding any such objection, UVA then will be authorized to produce those education records in this action. This Motion follows an Order entered by the Court on November 17, 2015 (Dkt. 37) indicating that affected students shall be directed to send their objections to the United States District Court for the Western District of Virginia, in the

Roanoke office, and the clerk shall file any received objections under seal. In support of its Motion, the Defendants and UVA state as follows:

1. On or about August 20, 2015, the Defendants served a document subpoena on UVA. Some of the information sought from UVA may constitute “education records” as defined by FERPA, and as such may not be released in response to a subpoena unless students are first provided notice of the proposed disclosure and given an opportunity to object.

2. Counsel for the Defendants and UVA have worked cooperatively to develop a protocol as to how to comply with FERPA. The purpose of the protocol is to establish an orderly process by which UVA can respond to the Defendants’ subpoena while at the same time ensuring that the rights of non-party students to be notified and to be given a reasonable opportunity to object to production are protected. A proposed Consent Order embodying that protocol is set forth in Attachment A.

3. The parties and UVA contemplate that any FERPA-protected educational records produced by UVA in response to the Defendants’ subpoena, either without objection or after this Court rules on any objection that may be filed, will be subject to the Amended Stipulated Protective Order entered on November 16, 2015 (Dkt. 36).

4. Counsel for the Plaintiff has no objection to the entry of the attached Consent Order.

For the reasons stated, Defendants and UVA request that this Unopposed Motion be granted.

Respectfully submitted,

ROLLING STONE LLC
SABRINA RUBIN ERDELY
WENNER MEDIA LLC

/s/ W. David Paxton

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THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2015, a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which provided electronic service to all counsel of record.

/s/ W. David Paxton